

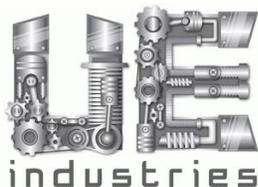


# REGULATORY GUIDELINES

**Summary of Local, State, and Federal Regulations  
and Recommendations relating to the Yemaya  
Festival Permit Application**

**Version 1.0**

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## 1. POLICY FRAMEWORK

The subject land is located within the Farming Zone under Clause 35.07 of the Loddon Planning Scheme.

*The purpose of the Farming Zone is as follows:*

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provisions*

## 2.

The event is within the Planning Scheme's prescribed definition of "Place of Assembly" which is defined as follows:

*Land where people congregate for religious or cultural activities, entertainment, or meetings.*

## 3.

Based on the Loddon Planning Scheme, Clause 35.07-1 Table of uses, Place of assembly is listed under Section 2 as a use requiring a permit. It is relevant to note that Clause 31.02 makes the following statement in relation to making decisions about section 2 uses:

*Because a use is in Section 2 does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the State Planning Policy Framework, the Local Planning Policy Framework, the purpose and decision guidelines of the zone and any of the other decision guidelines in Clause 65.*

## 4.

Planning approval is required for buildings and works in accordance with the Land Subject to Inundation Overlay (LSIO). The purpose of the overlay is as follows:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*



- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

## 5.

The following extract from the Ordinary Council Meeting minutes is the conclusion provided by the planning department in relation to LSIO requirements:

*The proposed development associated with the event is considered to be consistent with the purpose of the overlay. Given the temporary nature of structures, its short duration and the low probability of inundation during the event it is considered to satisfy the guidelines of the Land Subject to Inundation Overlay. The North Central Catchment Management Authority have offered no objection to the application.*

## 6. DECISION GUIDELINES

Clause 35.07-6 specifies the decision guidelines for agricultural issues that the responsible authority must consider before deciding on an application:

*Agricultural issues and the impacts from non-agricultural uses*

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.
- Any integrated land management plan prepared for the site.

## 7.

The following extract from the Ordinary Council Meeting minutes is the conclusion provided by the planning department in relation to agricultural issues:

*The decision guidelines for Agricultural issues and the impacts from non-agricultural uses require consideration of the relationship between the proposal and agricultural production, impacts on productive capability, impact on adjoining and nearby agricultural pursuits, site capacity and agricultural quality. Given the limited duration of the event it is unlikely to have any significant ongoing effect on the ability of the land to sustain agricultural uses or on agricultural production in the area generally.*

## 8.

A continuation of Clause 35.07-6 specifies the decision guidelines for environmental issues that the responsible authority must consider before deciding on an application:

*Environmental issues*

- The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.
- The impact of the use or development on the flora and fauna on the site and its surrounds.
- The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.



9.

The following extract from the Ordinary Council Meeting minutes is the conclusion provided by the planning department in relation to environmental issues:

*Given the temporary nature of proposed development on the site, the design and siting issues identified in the Farming Zone are not considered to be significant considerations in the assessment of the proposal with the exception of the location of infrastructure and the need for traffic management measures.*

10.

Outlined in Clause 65.01 are considerations required prior to approval of an application or plan:

*Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:*

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

11.

The Loddon Shire Council Tourism Strategy 2011-2016 outlines the focus for tourism development “in order to continue to grow tourism in the region sustainably and to ensure that resources are maximised”. Beyond highlighting festivals and events as “our tourism strengths”, several tourism challenges are mentioned in the executive summary that are of particular relevance to the current application, namely:

- *Changing consumption patterns*
- *Competition from other locations*
- *New technologies*
- *Global financial crisis*
- *Responding to the demand for sustainable tourism*
- *Limited financial resources of stakeholders to develop tourism*
- *Increasing visitor yield*

The document specifies the priorities to the Shire in the area of tourism:

*Of particular importance to Loddon Shire is the need to encourage more visitors to come to the region, to stay longer and to spend more money (i.e. increase visitor yield). This, however, can only be achieved if there are suitable products and services available and if the products and services are suitably marketed to the*



target audience. However, the development of products and services will only be achieved if it is considered profitable to do so.

Some major decisions therefore need to be made in terms of:

- How to increase visitor numbers
- Identifying what our target markets are
- Identifying appropriate marketing techniques to reach our target market
- How to encourage development of new products and services demanded by visitors
- How to value-add to existing products and services
- How Loddon Shire should invest its tourism development dollar to achieve maximum impact
- How the tourism industry can assist in growing and developing tourism
- Strategic alliances and partnerships

This strategy has addressed these questions and has identified a new direction for tourism in Loddon over the next five years.

## 12.

Section 2.0 “Our Vision” of the Loddon Shire Council Tourism Strategy 2011-2016 specifies that:

*Loddon Shire will provide a range of quality and sustainable visitor experiences that deliver economic benefit to our local communities, specifically focused on nature based tourism; culture and heritage; food and wine; agri-tourism; and festivals and events.*

## 13.

Section 3.5 “Our Stakeholders” of the Loddon Shire Tourism Strategy 2011-2016 makes clear the need for a collaborative approach to tourism management:

*In order to maximise limited resources to achieve the best outcomes for tourism in the Loddon region, it is important to form partnerships or relationships with a range of different organisations. Some key stakeholders who contribute to tourism development and promotion in Loddon Shire include:*

- Local tourism operators
- Local businesses

## 14.

Section 5.0 “Key Focus Area” of the Loddon Shire Council Tourism Strategy 2011-2016 identifies the six highest priorities:

*Six key focus areas have been identified which will assist Loddon Shire to enhance the experience of visitors to the area and also increase visitor yield. These six focus areas are:*

- Development of Tourism Products and Services
  - o To develop quality tourism products and services to encourage greater visitor yield and high levels of visitor satisfaction
- Customer Service
  - o To provide high levels of customer service to visitors to the region.
- Marketing and Promotion
  - o To effectively market Loddon Shire tourism products and services to the target market utilising a range of different tools.
- Partnerships
  - o To maximise resources by developing cooperative alliances with federal, state and regional tourism bodies.
- Industry Support
  - o To provide support and encouragement to local tourism initiatives to improve the standard of products, services, research and development.

- Research
  - o *To undertake regular research and evaluation in order to increase knowledge of the target market's needs and demands and to ensure that resources are allocated to achieve maximum impact.*

## 15.

The Loddon Shire Tourism Strategy 2011-2016 also summarises the need for development of tourism products and services in Section 5.1:

*In order to attract more tourists, encourage tourists to stay longer and extract additional revenue from visitors, it is important for Loddon Shire to enhance existing tourism products and services, and to develop additional quality, sustainable and viable products and services*

## 16.

Key points identified from the Literature Review of relevance to Loddon Tourism Strategy 2011-2016:

- *Globally nature based tourism is growing at around 20%, compared with 7% for tourism overall*
- *Backpackers are more likely to explore regional Victoria and often stay longer than other visitors to the state*
- *Weaknesses of regional Victorian tourism include lack of destination awareness; suitable products and packages; new or innovative experiences; public transport; information services and qualified/skilled staff*
- *There is a need to improve the quality and supply of tourism experiences in regional areas, increase consumer demand, improve regional industry structure, address skills and standards and improve environmental sustainability*
- *Strengths of the Goldfields region include: arts and culture, history and heritage, festivals and events, food and wine (secondary) and nature based tourism (emerging strength)*
- *Loddon Shire has significant natural, heritage, agriculture and cultural assets that have potential to attract visitors*

## 17.

A comprehensive SWOT analysis in Section 6.1 also brings up numerous factors of particular relevance to the current application.

### 6.1.1 STRENGTHS

- *Support of Loddon Shire to tourism*

### 6.1.2 WEAKNESSES

- *Lack of understanding in the community of the value that tourism plays and the role that many businesses actually play in the industry*
- *Anticipated poor return on tourism investment limits new developments*
- *Limited tourism products*
- *Limited packaging of tourism products*
- *Lack of coordination regarding tourism events*
- *Lack of people with knowledge of tourism products and events in the Shire*

### 6.1.3 OPPORTUNITIES

- *Work with other areas to co-ordinate events and promote other events,*

### 6.1.4 THREATS

- *Drought and climate change*



## 18.

The Victorian State Planning Policy Framework outlines the required strategies to be implemented in the region under Clause 11.12 Loddon Mallee South regional growth, with emphasis on planning for economic growth. It is worth noting that the towns of Inglewood and Bridgewater, which are specifically mentioned as a focus for sustainable growth and expansion, would be the primary stopping points for patrons travelling to the event, with the majority of community groups involved and local contractors confirmed from within these two towns.

### *Objective*

- *To manage population growth and settlements.*

### *Strategies*

- *Support Bendigo as the regional city and the major population and economic growth hub for the region, offering a range of employment and services.*
- *Manage and support growth in Castlemaine, Gisborne, Kyneton and Maryborough as employment and service hubs that reinforce the network of communities within the region.*
- *Support sustainable growth and expansion in Inglewood, Bridgewater, Marong and Harcourt to capitalise on their proximity to Bendigo.*
- *Facilitate increased commercial and residential densities, mixed use development and revitalisation projects for underutilised sites and land in Bendigo.*

### *Policy guidelines*

*Planning must consider as relevant:*

- *Loddon Mallee South Regional Growth Plan (Victorian Government, 2014).*

## 19.

Further relevant considerations are raised in Clause 11.12-3 outlining the need for a diversified economy:

### *Objective*

- *To strengthen and diversify the economy.*

### *Strategies*

- *Support expansion of the region's diverse economy to enable residents to work and participate in the region.*
- *Facilitate greater employment and investment outcomes from growth sectors such as health, education and professional services.*
- *Support and develop emerging and potential growth sectors such as tourism, renewable energy, resource recovery and other green industries.*
- *Facilitate new manufacturing and food processing industries that build on supply chains and take advantage of well located and affordable land.*
- *Maintain and develop buffers around mining and quarrying activities.*
- *Facilitate access to natural resources where appropriate, including sand and stone, minerals, timber and renewable energy potential.*
- *Support the development and expansion of tourism infrastructure in Bendigo.*

*Policy guidelines - Planning must consider as relevant:*

- *Loddon Mallee South Regional Growth Plan (Victorian Government, 2014).*

## 20.

Relevant policy guidelines which must be considered are detailed in the Loddon Mallee South Regional Growth Plan which:

- *Establishes a framework for strategic land use and settlement planning that can accommodate growth within ecologically sustainable development principles*

- Identifies important economic, environmental, social and cultural resources to be preserved, maintained or developed
- Provides direction for accommodating growth and change including residential, employment, industrial, commercial, agriculture and other rural activities
- Shows which areas of land can accommodate growth and which are to be maintained for other uses
- Identifies opportunities for supporting regional level infrastructure, providing an essential contribution to the long-term sustainability of the region.
- The plan will help councils by streamlining planning policy and potentially reducing the strategic workload of councils. It will also contribute to broader regional goals.
- It provides a regional strategic land use framework for growth and change.
- It is a strategic direction-setting document that identifies long-term land uses and growth objectives.

## 21.

Of particular note within the Loddon Mallee South Regional Growth Plan is Part B Regional Overview, Section 10 outlines principles to achieve the vision:

- *Strengthen and diversify our economy*  
Ensuring access to diverse employment, recreation, retail and cultural activities will develop Loddon Mallee South as a preferred destination and self-sustaining region. Strategic opportunities for the growth of the region's economic base, including agricultural diversification, minerals and extractive industries and new industries, will also be facilitated.

### *Future Directions*

- *Enable residents to work and participate in the region by continuing to expand the region's diverse economy*
- *Leverage greater employment and investment outcomes from growth sectors such as health, education and professional services*
- *Develop employment areas that are located, serviced and sited to take advantage of water, infrastructure, transport and energy connections*
- *Support and develop emerging and potential growth sectors such as tourism, renewable energy, resource recovery and other green industries*

## 22.

Referencing Clause 17.03-1 of the planning scheme, the facilitating of tourism is a valid consideration in regards to the festival application.

### *Objective*

- *To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.*

### *Strategies*

- *Encourage the development of a range of well designed and sited tourist facilities, including integrated resorts, motel accommodation and smaller scale operations such as host farm, bed and breakfast and retail opportunities.*
- *Seek to ensure that tourism facilities have access to suitable transport and be compatible with and build upon the assets and qualities of surrounding urban or rural activities and cultural and natural attractions.*

### *Policy guidelines - Planning must consider as relevant:*

- *Tourism Investment Guidelines – Your Guide to Tourism Investments in Victoria (Tourism Victoria, 2008), in considering applications for tourist development.*
- *Any relevant regional tourism development strategy.*

### 23.

The document “Tourism Investment Guidelines – Your Guide to Tourism Investments in Victoria” provides a clear summary of state-wide policy objectives.

*To ensure a competitive and responsive tourism industry in Victoria, the Government is committed to:*

- *Giving higher priority to the tourism and events industry in infrastructure planning and investment attraction.*
- *Creating a larger and more highly trained tourism workforce.*
- *Strengthening the on-line presence of Victoria's tourism products and services.*
- *Integrating government decision-making on economic, social and environmental issues in relation to tourism activities.*
- *Enhancing the reputation and performance of Victoria for environmentally sustainable tourism.*

### 24.

The Victoria Government Tourism Investment Guidelines document lists the areas of particular competitive advantages to be utilised:

- *Highly creative, consistent and well-targeted advertising campaigns.*
- *Distinctive range of lifestyle experiences, particularly in relation to its art, cultural and heritage precincts, shopping, nightlife, car touring and boutique food and wine.*
- *Compactness and agreeable seasonal variations provide year round diversity and enhance the opportunities in Melbourne and regional Victoria.*
- *Internationally recognised cultural, sporting and business events.*
- *Ability to attract increasing numbers of international airlines flying directly into Melbourne and increased passenger capacity.*
- *Tertiary education institutions, which attract large numbers of international students (who represent approximately 40% of present international yield).*

### 25.

Directions and an action program are detailed in the Government's 10 Year Tourism & Events Industry Strategy that was released in October 2006. The principal features of this strategy are:

- *Building upon existing tourism strengths by improving the branding and marketing of Victoria; continuing to pursue major events and increasing aviation access.*
- *Developing new tourism strengths by ensuring that public infrastructure development takes into account tourism requirements; continuing to attract and facilitate investment; enhancing service skills and standards; and promoting greater use of on-line services.*
- *Having a focus on long-term tourism growth opportunities and in particular targeting emerging international markets; expanding the acquisition of business events; developing regional destinations; and building the synergies between tourism and international education.*
- *Strengthening the partnership between Government and industry through better coordinated decision-making; policy coordination and advocacy; and continuing communication of the benefits derived from the tourism industry.*
- *Further information on the key activities in relation to this Strategy is provided in Appendix A.*

### 26.

Conclusions and recommendations of the 10 Year Tourism & Events Industry Strategy are summarised in Appendix A, stating specific requirements in relation to major events:

Objective - *Building upon existing strengths.*



- Actions - Major events*
- Key Activities - Actively support and pursue the retention, acquisition, staging and management of major events.*
- Objective - Strengthen the partnership between Government and Industry.*
- Actions - Communication*
- Key Activities - Continue programs to communicate the economic significance of tourism.*
- Develop a communications strategy to highlight the importance of the tourism and events industry.*